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**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**MICHELLE ELAINE CHANIN  
a.k.a. MICHELLE ELAINE GIUBBINI  
P O Box 1125  
Frederick, CO 80530**

**Registered Nurse License No. 497255**

**RESPONDENT**

Case No. 2013-96

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about August 8, 2012, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2013-96 against Michelle Elaine Chanin, aka Michelle Elaine Giubbini (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about December 31, 1993, the Board of Registered Nursing (Board) issued Registered Nurse License No. 497255 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and expired on April 30, 2009 and has not been renewed.

3. On or about August 8, 2012, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2013-96, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record which, pursuant to Business and Professions Code section 136 and/Title 16, California Code of Regulation, section 1409.1, is required to be reported and maintained with the Board, which was and is:

P O Box 1125

1 Frederick, CO 80530.

2 4. Service of the Accusation was effective as a matter of law under the provisions of  
3 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
4 124.

5 5. On or about August 17, 2012 and August 20, 2012, the First Class Mail documents  
6 and the Certified Mail documents were returned both marked by the U.S. Postal Service,  
7 "Attempted Not Known". The address on the documents was the same as the address on file with  
8 the Board. Respondent failed to maintain an updated address with the Board and the Board has  
9 made attempts to serve the Respondent at the address on file. Respondent has not made herself  
10 available for service and therefore, has not availed herself of her right to file a notice of defense  
11 and appear at hearing.

12 6. Business and Professions Code section 2764 states:

13 The lapsing or suspension of a license by operation of law or by order or decision of  
14 the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive  
15 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding  
16 against such license, or to render a decision suspending or revoking such license.

17 7. Government Code section 11506 states, in pertinent part:

18 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a  
19 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation  
20 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's  
21 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

22 8. Respondent failed to file a Notice of Defense within 15 days after service of  
23 the Accusation upon her, and therefore waived her right to a hearing on the merits of Accusation  
24 No. 2013-96.

25 9. California Government Code section 11520 states, in pertinent part:

26 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the  
27 agency may take action based upon the respondent's express admissions or upon other evidence  
28 and affidavits may be used as evidence without any notice to respondent.

1           10. Pursuant to its authority under Government Code section 11520, the Board after  
2 having reviewed the proof of service dated August 8, 2012, signed by Kami Pratab, and the  
3 returned envelopes finds Respondent is in default. The Board will take action without further  
4 hearing and, based on Accusation No. 2013-96 and the documents contained in Default Decision  
5 Investigatory Evidence Packet in this matter which includes:

6           Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation No. 2013-96,  
7                       Statement to Respondent, Notice of Defense (two blank copies), Request  
8                       for Discovery and Discovery Statutes (Government Code sections  
9                       11507.5, 11507.6 and 11507.7), proof of service; and if applicable, mail  
10                      receipt or copy of returned mail envelopes;

11          Exhibit 2: License History Certification for Michelle Elaine Chanin, aka Michelle  
12                      Elaine Giubbini, Registered Nurse License No. 497255;

13          Exhibit 3: Out of State Discipline (Florida and Nevada Board of Nursing);

14          Exhibit 4: Affidavit of Kami Pratab;

15          Exhibit 5: Declaration of costs by Office of the Attorney General for prosecution of  
16                      Case No. 2013-96.

17          The Board finds that the charges and allegations in Accusation No. 2013-96 are separately and  
18          severally true and correct by clear and convincing evidence.

19          11. Taking official notice of Certification of Board Costs and the Declaration of Costs by  
20          the Office of the Attorney General contained in the Default Decision Investigatory Evidence  
21          Packet, pursuant to the Business and Professions Code section 125.3, it is hereby determined that  
22          the reasonable costs for Investigation and Enforcement in connection with the Accusation are  
23          \$997.50 as of September 25, 2012.

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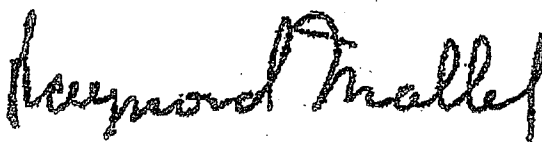
**ORDER**

IT IS SO ORDERED that Registered Nurse License No. 497255, heretofore issued to Respondent Michelle Elaine Chanin, aka Michelle Elaine Giubbini is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on January 14, 2013.

It is so ORDERED December 14, 2012



Board of Registered Nursing  
Department of Consumer Affairs  
State of California

Attachment:

Exhibit A: Accusation No. 2013-96

# Exhibit A

Accusation No. 2013-96

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 LESLIE E. BRAST  
Deputy Attorney General  
4 State Bar No. 203296  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5548  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

7  
8 LYDIA ZANE, Senior Legal Analyst  
Telephone: (415) 703-5573  
9 Facsimile: (415) 703-5480

10 **BEFORE THE**  
11 **BOARD OF REGISTERED NURSING**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. **2013-96**

15 **MICHELLE ELAINE CHANIN**  
16 **a.k.a. MICHELLE ELAINE GIUBBINI**  
17 **P.O. Box 1125**  
18 **Frederick, CO 80530**

**ACCUSATION**

19 **Registered Nurse License No. 497255**

Respondent.

20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant), brings this Accusation solely in her  
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
24 Consumer Affairs.

25 2. On or about December 31, 1993, the Board of Registered Nursing issued Registered  
26 Nurse License Number 497255 to Michelle Elaine Chanin, a.k.a. Michelle Elaine Giubbini,  
27 (Respondent). The Registered Nurse License expired on April 30, 2009, and has not been  
28 renewed.

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3. Taking such other and further action as deemed necessary and proper.

DATED: August 8, 2012 *for* *Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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3. Taking such other and further action as deemed necessary and proper.

DATED: August 8, 2012 *Stacie Dam*  
for LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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